

**IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT  
OF TEXAS HOUSTON DIVISION**

**DOLORES SAMUEL, individually and on  
behalf of the estate of JULIUS PAYE  
KEHYEI, DECEDENT, KYLE SAMUEL  
and MAYA THORN as NEXT FRIEND OF  
MINOR, S.T.,**

*Plaintiffs,*

**CIVIL ACTION NO. 4:22-cv-2900**

V.  
**CITY OF HOUSTON, TEXAS, K. DREY,  
*Individually*, and JOHN DOE HPD  
OFFICERS 1-10,  
*Defendants.***

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' TRIAL EXHIBIT LIST**

Defendants City of Houston and Officer Kyle Drey ("Defendants") file these Objections to Plaintiffs' Trial Exhibit List (Doc. 86-2). Defendants request that the Court exclude the listed exhibits as set forth below:

## **BACKGROUND AND GENERAL OBJECTIONS**

1. Plaintiffs' Exhibit List, which was first produced to Defendants *after* the filing of the Parties Joint Pre-Trial conference motion, contains vague descriptions of proposed exhibits, many of which were never produced during discovery. Discovery closed on January 31, 2025 (Doc. 60), and Plaintiffs failed to disclose or produce these items in their initial disclosures (June 5, 2024) or supplement. This violates FRCP 26(a)(1)(A)(ii), which requires parties to disclose "a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses." Under FRCP 37(c)(1), undisclosed evidence must be excluded unless the failure was substantially justified or harmless, a burden Plaintiffs cannot meet, as they

provided no justification and the non-disclosure prejudices Defendants' preparation. *See CQ, Inc. v. TXU Mining Co.*, 565 F.3d 268, 279-80 (5th Cir. 2009)

2. Additionally, Defendants object to Plaintiffs' Exhibits in its entirety for failure to comply with Rule 26(a)(3)(c) of the Federal Rules of Civil Procedure. Plaintiffs did not appropriately identify each document or exhibit, but vaguely and globally identified documents without any specificity. Defendants had (and still have) no notice of the exact exhibits to be used by Plaintiffs. As such, Defendants move to strike Plaintiffs' exhibits for failure to comply with Rule 26(a)(3)(c) of the Federal Rules of Civil Procedure. (*See also* FRCP 37(c)(1)).

3. Lastly, many exhibits (particularly photos) are unduly prejudicial under FRE 403, as their probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, or misleading the jury. Defendants object as follows:

Exhibit #	Description	Objection	Authority
1	Picture of Julius and his mother	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
2	Picture of Julius	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
3	Picture of Julius as a Kid	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
4	Picture of Julius and Maya	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1);

			FRE403
5	Picture of Julius playing with brother	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
6	Picture of Julius with siblings	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
7	Julius's baby picture with mother	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
8	Family photo	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
9	Baby picture of Julius	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
10	Picture of Julius and mom	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
11	Pictures of S.T. with mother	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
12	Picture of S.T. with mother	Vague and undisclosed. No description provided, preventing identification or	FRCP 26(a)(1)(A)(ii);

		authentication. Not produced in discovery.	26(a)(3)(c) FRCP 37(c)(1); FRE403
13	Picture of S.T.	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
14	Picture of S.T. at birthday party	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
15	Death Certificate	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1); FRE403
16	Crime Scene Diagram	Vague and undisclosed. No description provided, preventing identification or authentication.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1)
17	DNA Test Results	Vague and undisclosed. No description provided, preventing identification or authentication.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1)
18	Autopsy Report	Vague and undisclosed. No description provided, preventing identification or authentication.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1)
19	Lab Report	Vague and undisclosed. No description provided, preventing identification or authentication.	FRCP 26(a)(1)(A)(ii); FRCP 37(c)(1)
20	Raw Video of the Crime Scene <a href="https://www.khou.com/article/news/local/officer-involved-shooting-suspect-injured-waugh-drive/285-86e43fe1-8ec1-4eb1-b8c8-">https://www.khou.com/article/news/local/officer-involved-shooting-suspect-injured-waugh-drive/285-86e43fe1-8ec1-4eb1-b8c8-</a>	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1)

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21	Chief Art Acevedo Press Conference <a href="https://abc13.com/post/gunman-shot-and-killed-by-officer-after-shooting-at-hpd-vehicle/6389553/">https://abc13.com/post/gunman-shot-and-killed-by-officer-after-shooting-at-hpd-vehicle/6389553/</a>	Vague and undisclosed. No description provided, preventing identification or authentication. Not produced in discovery.	FRCP 802; 26(a)(1)(A)(ii); 26(a)(3)(c) FRCP 37(c)(1)
22	Charles Dexter's bodycam		
23	Daryl Hudeck's bodycam		
24	Gunshot Residue Report	Vague. No description provided, preventing identification or authentication.	26(a)(3)(c) FRCP 37(c)(1)
25	Use of Force Policy	Vague. No description provided, preventing identification or authentication	26(a)(3)(c) FRCP 37(c)(1)
26	OIS incidents	Vague. No description provided, preventing identification or authentication	26(a)(3)(c) FRCP 37(c)(1) FRE 1006
27	Crime Scene Photos	Vague. No description provided, preventing identification or authentication graphic photos prejudicial (inflame jury)	26(a)(3)(c) FRCP 37(c)(1)
28	Video of shooting incident with Tahoe Truck	Vague. No description provided, preventing identification or authentication	26(a)(3)(c) FRCP 37(c)(1)
29	Video of crime scene prior to shooting	Vague. No description provided, preventing identification or authentication	26(a)(3)(c) FRCP 37(c)(1)
30	Video of Shooting involving police vehicle	Vague. No description provided, preventing identification or authentication	26(a)(3)(c) FRCP 37(c)(1)

Respectfully submitted,

**ARTURO G. MICHEL**  
City Attorney

CHRISTY L. MARTIN  
Chief, Torts & Civil Rights Section

Date: August 6, 2025.

By: /s/ Alexander Garcia

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of August 2025, a true and correct copy of the foregoing document, and any attachments, were delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, and alternatively via e-mail and/or facsimile transmission, to:

Daryl K. Washington  
Washington Law Firm, PC  
325 N. St. Paul St., Suite 3950  
Dallas, TX 75201

/s/ Alexander Garcia  
Alexander Garcia